

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

August 30, 2011

Enbridge Energy, Limited Partnership
c/o Mr. Rich Adams
Vice President, Operations
Superior City Centre
Second Floor
1409 Hammond Ave.
Superior, Wisconsin 54880

**Re: Schedule of Oil Recovery Activities at Overbank Wetland Areas, MP 8.5 L1 and L2;
and MP 25.41 Pursuant to the Administrative Order issued by U.S. EPA on July 27, 2010,
pursuant to §311(c) of the Clean Water Act (Docket No. CWA 1321-5-10-001) and
Supplement to the Administrative Order issued by U.S. EPA on September 23, 2010**

Dear Mr. Adams:

In a letter to the United States Environmental Protection Agency ("U.S. EPA") dated August 25, 2011 (Attachment 1), the Michigan Department of Environmental Quality (MDEQ) expressed its concerns about potential adverse impacts to the sensitive floodplain wetland habitats located at Mile Post (MP) 8.5 L1, MP 8.5 L2, and MP 25.41, from the use of current overbank toolbox response/oil recovery methods. In addition, the MDEQ has asked for these areas to be excluded from the August 31, 2011 deadline to ensure these wetland areas are more fully assessed prior to further response actions.

Pursuant to this MDEQ request, the U.S. EPA is excluding these two areas from the August 31, 2011 deadline. Further, U.S. EPA directs Enbridge Energy, Limited Partnership, Enbridge Pipelines (Lakehead) L.L.C., Enbridge Pipelines (Wisconsin), and Enbridge Energy Partners, L.P. (herein collectively referred to as "Enbridge") to complete an evaluation of the extent of contamination of these two areas with emphasis on determining whether they represent sources of additional oil and/or sheen migration to the Kalamazoo River.

Enbridge shall submit a report documenting the evaluation described herein to the U.S. EPA by 17:00 Eastern time, on September 21, 2011. Upon review of this report and after consultation with MDEQ, U.S. EPA will provide Enbridge with additional direction for these locations.

If you have any questions regarding this letter, please contact me immediately at (231) 301-0559.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph Dollhopf". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ralph Dollhopf
Federal On-Scene Coordinator and Incident Commander
U.S. EPA, Region 5

cc: L. Kirby-Miles, U.S. EPA, ORC
S. Vega, U.S. EPA,
J. Kimble, U.S. EPA
M. Durno, U.S. EPA
T. Edwards, U.S. EPA
S. Wolfe, U.S. EPA
Records Center, U.S. EPA, Reg. V
M. Ducharme, MDEQ
M. Alexander, MDEQ



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

August 25, 2011

Mr. Ralph Dollhopf, Incident Commander
Large Lakes Research Station
United States Environmental Protection Agency
Region 5
9311 Groh Road (SE-GI)
Grosse Ile, Michigan 48138-1697

Dear Mr. Dollhopf:

SUBJECT: Enbridge Line 6B MP 608 Pipeline Release, Marshall, Michigan
Overbank Wetland Areas MP 8.5 L1 and L2 and MP 25.41

The Michigan Department of Environmental Quality (MDEQ) would like to express concerns with potential adverse impacts from the use of current overbank toolbox response methods if implemented within floodplain wetland habitats at MP 8.5 L1 and L2 and MP 25.41. These wetlands consist of mixed habitat types, including but not limited to, forested, scrub shrub, and emergent and submerged wetland habitats. Based on MDEQ and Michigan Department of Natural Resources approved metrics for assessment of floristic quality, these wetlands have been determined to have very high quality plant communities of statewide significance, as both locations exhibit high species diversity and a high percentage of native plant species.

Based on previous discussions regarding these wetlands, we understand the United States Environmental Protection Agency (USEPA) would rather not transfer oversight responsibility for these wetlands to the MDEQ at this time. However given the high quality of the subject wetlands, and the MDEQ's obligations pursuant to Michigan's wetlands protection statute, the MDEQ requests that overbank wetland areas MP 8.5 L1 and L2 and MP 25.41 be excluded from the August 31, 2011, deadline imposed upon Enbridge by the USEPA.

The MDEQ is requesting that a remedial investigation and alternatives analysis consistent with Part 31, Water Resources Protection; Part 201, Environmental Remediation; and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, be completed within the subject wetlands, and any future wetlands identified with similar wetland attributes, prior to beginning response actions. It is our intent that a remedy be selected that will be consistent with the MDEQ's November 1, 2010, Administrative Consent Order and Partial Settlement Agreement entered between the MDEQ and Enbridge, address USEPA's interests, and limit potentially unnecessary impacts to these valuable state resources.

Mr. Ralph Dollhopf
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The MDEQ looks forward to the continued collaboration with the USEPA on the Enbridge Line 6B MP 608 Pipeline Release. Please let us know if you have any questions regarding this request.

Sincerely,



Michael Alexander, Project Coordinator and
Acting Unit Chief
Enbridge Response Unit
Water Resources Division
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Lansing, Michigan 48909-7958
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517-281-3110 (Mobile)



Mark DuCharme, Project Coordinator
Remediation Division
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, Michigan 49009
269-567-3529 (Office)
517-420-3392 (Mobile)

cc: Mr. William Creal, MDEQ
Ms. Lynelle Marolf, MDEQ
Ms. Michelle DeLong, MDEQ